

## **REMARKS**

Claims 1-7 have been examined.

Applicants thank the Examiner for considering the references cited with the Information Disclosure Statements filed September 22, 2003, March 8, 2005, and June 28, 2005. Applicants also thank the Examiner for indicating that Formal Drawings filed September 22, 2003 are accepted. Applicants request that the Examiner acknowledge the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of Japanese Patent Application 2002-330178 filed September 22, 2003.

### **Preliminary Matters**

Claims 1-12 are all the claims pending in the application. New claims 8-12 have been added. Claims 1, 3 and 4 have been amended. Furthermore, the Specification has been amended to improve readability. No new matter has been added. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

### **Obviousness Rejections**

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Urushiwara et al. (US 4,893,215; hereinafter “Urushiwara”). Applicants respectfully traverse this rejection because: (1) the Examiner has failed to provide valid evidentiary support for his “well known in the art” assertion, and (2) even if the combination is made as the Examiner has alleged, the combination fails to teach or suggest all the features of independent claim 1.

The Examiner alleges that many of the features of independent claim 1 are disclosed by Urushiwara, but concedes that Urushiwara does not teach plural fixing screws and screw holes, and alleges that it would have been obvious to one having ordinary skill in the art to have plural

fixing screws and screw holes for the purpose of securing the housing at several places assuring a good connection. (Office Action, pg. 3) Furthermore, the Examiner also concedes that Urushiwara does not indicate how the structure is to be mounted on the automobile, but that it would have been obvious to one of ordinary skill in the art to use mounting lugs to mount the housing structure taught by Urushiwara to the automobile body because it is well known and manufacture would be relatively simple. (Office Action, pg. 3)

Applicants respectfully submit that one of ordinary skill in the art at the time of the invention would not have been motivated to modify Urushiwara as the Examiner has alleged. In both cases above, the Examiner alleges that it would have been well known to one of ordinary skill in the art to use either the mounting lugs or the plurality of fixing screws and screw holes. However, it has been held the notice of facts beyond the record which may be taken by the examiner must be “capable of such instant and unquestionable demonstration as to defy dispute.”

*In re Ahlert*, 424 F.2d 1088, 1091 (Fed. Cir. 1970). Additionally, it is inappropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. *Id.*

In contrast to the dictates of the court, the Examiner has cited a prior art reference, Urushiwara, that uses neither (1) a plurality of fixing screws or (2) mounting lugs to mount the housing structure. First, Urushiwara uses only a single, centered fixing screw 25. The centering of the screw is indicative that no other screws are required. Second, Urushiwara shows no mounting lugs at all, instead being mounted to a fixing stay 26 by the centered fixing screw 25.

In this case, Urushiwara does not require any mounting lugs. Therefore, because the official notice forwarded by the Examiner is not capable of such instant and unquestionable demonstration, it is not valid and the Examiner has failed to make a *prima facie* case of obviousness.

However, even if the alleged combination were made as the Examiner has alleged, the resultant combination fails to teach or suggest all the features of independent claim 1. This combination fails for several reasons. First, claim 1 recites “a cover that is integrally formed with “a canopy part and an annular circumferential wall part.” In contrast, Urushiwara teaches a cover comprising two parts, a cover 21 (i.e. canopy portion) and a mold case 16 (annular circumferential wall part).

Second, claim 1 recites that the “annular circumferential wall part is provided with an annular groove” and the “base is provided with an annular protrusion.” Further, claim 1 recites that the “plural screw holes” are located outside of the annular grooves and protrusions. If Urushiwara is provided with the plurality of screw holes as the Examiner alleges, the resultant combination still does not provide screw holes outside the annular groove or protrusion as recited in claim 1. Moreover, if the plurality of screw holes are placed outside the annular groove 23 and protrusions 22 of Urushiwara, the invention no longer works as there would be no fixing screws to hold the cover 21 (i.e. canopy) portion to the mold case 16. This emphasizes the difference with regard to the two part cover argued above.

Accordingly, one of ordinary skill in the art, looking to the references as a whole, would not have followed the Examiner’s suggestion to modify Urushiwara. For at least any of the

reasons cited above, this rejection is believed to be in error and Applicants respectfully request that it be withdrawn. Thus, Applicants respectfully submit that independent claim 1 is patentable over the applied reference Urushiwara. Further, Applicants respectfully submit that rejected dependent claims 2, 3, 4, 5, 6 and 7 are allowable, *at least* by virtue of their dependency and for the features recited therein.

**New Claims**

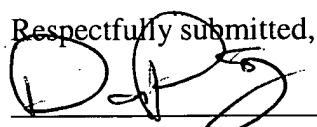
Claims 8-12 have been added. Claim 8 is supported at least by pg. 5-8 of the present application. Claims 9-12 are similar to claims 2, 3, 5 and 6 written to depend from new claim 8.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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